THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19441 of 2005

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Dated:08.09.2005

Between:

M.Venkatrama Raju, S/o.Narayana Raju,
R/o.NTR Nagar, Srikalahasti, Chittoor Dist.

..... PETITIONER

AND

Divisional Forest officer, Chittoor East (WL) Division, Chittoor.

.....RESPONDENT

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ORDER:

The petitioner is the owner of Mini Lorry bearing No.AP 26/U-1195 of 1989 model. The Sub Inspector of Police, B.N.Kandriga Mandal, Chittoor District, seized the lorry on an allegation that the lorry was transporting red sandal wooden pieces. The petitioner, therefore, filed an application under Section 44(2-D) of the Andhra Pradesh Forest Act, 1967 (for short 'the Act') for interim release of the lorry. Considering the application, the respondent herein, by proceedings dated 01.06.2005 ordered release of the vehicle in question on petitioner furnishing bank guarantee for the value determined by Motor Vehicle Inspector, Puttur.

In this case the petitioner alleges that though the Motor Vehicle Inspector valued the vehicle at Rs.56,000/- and the petitioner approached the respondent, the vehicle is not being released after accepting the bank guarantee. At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Forests was directed to get instructions in the matter. The learned Assistant Government Pleader submits that though the proceedings was issued ordering release of the vehicle, the present Divisional Forest Officer is not willing to release the vehicle. He, however, does not dispute that under the provisions of the Act no power vests in the Divisional Forest Officer to review his own orders. Therefore, the incumbent Divisional Forest Officer cannot give a goby to the orders passed by his/her predecessor.

Accordingly, the writ petition is disposed of directing the respondent to accept the bank guarantee submitted by the petitioner, and as and when it is submitted for an amount of Rs.56,000/-, he should release the lorry. The petitioner shall execute an undertaking before the respondent to the effect that he shall not alienate or transfer the Mini Lorry in question till appropriate orders under Section 44(2-C) of the Act are passed. This exercise for release of the Mini Lorry shall be completed within a period of one week from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

08.09.2005

vs